

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-35757 - APPLICANT/OWNER: BUSTAN FAMILY REVOCABLE LIVING TRUST**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the conditions for Variance (VAR-35758) and Variance (VAR-35760) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the building elevations date stamped 08/25/09, the floor plan date stamped 09/11/09, and the site plan and landscape plan date stamped, 10/21/09 except as amended by conditions herein.
4. Waivers from Title 19.12.040 are hereby approved, to allow a seven-foot landscape buffer along the north perimeter where 15 feet is the minimum required and a zero-foot landscape buffer along the south, east and west perimeters where eight feet is the minimum required.
5. Exceptions from Title 19.12.040 are hereby approved, to allow zero parking lot landscape islands where four are required and three trees within the landscape buffer along the north perimeter where four trees are required.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

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8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
15. Landscape and maintain all unimproved rightofway, if any, on Charleston Boulevard adjacent to this site.
16. The pan-style driveways accessing this site from Charleston Boulevard are acceptable as shown on the site plan date stamped October 21, 2009.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of an existing 3,880 square foot office building at 2511 West Charleston Boulevard. This is a request for a proposed 4,999 square foot office. The existing 3,880 square foot office building will be demolished and replaced by a 4,999 square foot office. The applicant is requesting Waivers of the Title 19.12.040 Perimeter Landscape Buffer Standards along the north, south, east, and west perimeters. The applicant is also requesting, as part of the review, Exceptions to allow zero parking lot landscape islands where four are required and three trees within the north landscape buffer where four are required. Associated requests have also been submitted for a Variance (VAR-35758) to allow 35% lot coverage where 30% is the maximum allowed and a Variance (VAR-35760) to allow 16 parking spaces where 17 parking spaces are required and 60% of the required on-site parking to be compact parking spaces where 30% is the maximum allowed.

The proposed development will result in a site that is overbuilt, as is evidenced by the requested Waivers and Exceptions as part of the Site Development Plan Review, as well as the associated Variance requests. Furthermore, the elimination of the landscape buffer areas, combined with the elimination of planting materials, is not consistent with Objective 2.2 of the General Plan. Therefore, staff is recommending denial of this request. If this application is denied, the site will remain as a 3,880 square foot office.

Issues

- Approval of a companion Variance (VAR-35758) to allow 35% lot coverage where 30% is the maximum allowed is necessary for this request to be approved.
- Approval of a companion Variance (VAR-35760) to allow 16 parking spaces where 17 are required and 60% of the required on-site parking to be compact parking spaces where 30% is the maximum allowed is necessary for this request to be approved.
- The applicant is requesting a Waiver to allow a seven-foot landscape buffer along the north perimeter where 15 feet is required.
- The applicant is requesting a Waiver to allow a zero-foot landscape buffer along the south, east and west perimeters where eight feet is required.
- The applicant is requesting Exceptions to allow zero parking lot landscape islands where four are required and three trees within the landscape buffer along the north perimeter where four trees are required.
- The elimination of the buffer areas, combined with the elimination of planting materials, is not consistent with Objective 2.2 of the General Plan.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office), from R (Rural Density Residential) to DR (Desert Rural Density Residential), from O (Office) to DR (Desert Rural Density Residential) and from L (Low Density Residential) to DR (Desert Rural Density Residential). Planning Commission recommended denial. Staff recommended approval.
05/21/09	A deed was recorded for a change in ownership at 2511 West Charleston Boulevard.
10/09/09	Planning Commission voted to hold this item in abeyance at the applicants request.
11/05/09	Planning Commission voted to hold this item in abeyance at the applicants request.
<i>Related Building Permits/Business Licenses</i>	
04/07/99	A business license (Q07-00149) for a Medical Firm was issued at 2511 West Charleston Boulevard. The license was marked out of business on 07/15/09.
10/23/02	A business license (Q07-00148) for a Medical Firm was issued at 2511 West Charleston Boulevard. The license was marked out of business on 09/30/08.
<i>Pre-Application Meeting</i>	
08/21/09	The following items were discussed at the pre-application conference: • Meet with Flood Control to determine finished floor elevations, but no drainage study is required. • Waivers of the perimeter landscape buffers will be required. • A Variance is required to allow 15 parking spaces where 17 spaces are required and 60% of the required on-site parking to be compact parking spaces where 30% is the maximum allowed. • A Variance is required to allow 35% lot coverage where 30% is the maximum allowed.
10/07/09	City staff from Planning & Development, Public Works, Traffic, and Fire Departments met with the applicant. The following items were discussed at the meeting: • Site Circulation It was determined that the previous proposal had inadequate site circulation causing potential traffic hazards at the point of entry and exit. • Staff discussed with the applicant several options to help alleviate these traffic hazards.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	

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Field Check	
09/03/09	A field check was performed by staff at the subject property and found an unoccupied office building. The site was well maintained with the exception of the following: • Dead landscaping in the front yard landscape buffer. • Faded parking lot striping.

Details of Application Request	
Site Area	
Net Acres	0.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	C-D (Designed Commercial)
North	Medical Offices	O (Office)	C-D (Designed Commercial)
South	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Office	O (Office)	P-R (Professional Office and Parking)
West	Office	O (Office)	P-R (Professional Office and Parking)

Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District 175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	90 Feet	N*
Min. Setbacks			
• Front	25 Feet	44 Feet	Y
• Side	10 Feet	12 Feet	Y
• Rear	25 Feet	42 Feet	Y

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Max. Lot Coverage	30%	35%	N
Max. Building Height	2 Stories or 35 Feet	20 Feet	Y
Trash Enclosure	Y	Curb-Side Pick-up	Y

**The subject site is nonconforming for required lot width.*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	60 Feet	60.5 Feet	Y
Adjacent development matching setback	15 Feet	42 Feet	Y

Pursuant to Title 19.12.040, the following landscape standards shall apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	3 Trees	Zero Trees	N
Buffer:				
Min. Trees				
• Rear	1 Tree / 20 Linear Feet	5 Trees	Zero Trees	N
• Front/Sides	1 Tree / 30 Linear Feet	22 Trees	3 Trees	N
TOTAL		30 Trees	3 Trees	N
Min. Zone Width				
• Front	15 Feet		7 Feet	N
• Sides	8 Feet		Zero Feet	N
• Rear	8 Feet		Zero Feet	N
Wall Height	6-8 Feet, Adjacent to Residential		6 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	4,999 SF	1:300	16	1	15	1	
Total			17		16		N
Compact Spaces			5		9		N
Percent Deviation			30%		60%		

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Waivers		
Requirement	Request	Staff Recommendation
15 Feet	A seven-foot landscape buffer along the north perimeter.	Denial
8 Feet	A zero-foot landscape buffer along the south, east and west perimeters.	Denial

Exceptions		
Requirement	Request	Staff Recommendation
4 Trees	Three trees within the landscape buffer along the north perimeter.	Denial
Four parking lot landscape islands	Zero parking lot landscape islands	Denial

ANALYSIS

The site, as proposed is deficient in the required parking, lot coverage, and landscaping. Per Title 19.04, an Office, Other than Listed requires one space per 300 square feet of gross floor area, resulting in the need for 17 spaces, one of which is required to be handicap accessible. Per Title 19.10, a minimum of 70% of the parking spaces shall be standard size and up to 30% may be designed as compact parking spaces. The site plan depicts a total of 16 spaces, including one handicap accessible space, which is a 6% deviation from standard. The site plan also depicts 60% of the required on-site parking designed as compact parking spaces, which is a 30% deviation from standard. A companion Variance (VAR-35760) has been submitted to address these issues.

Per Title 19.08, lot coverage may be up to a maximum of 30% of the net lot area. The site plan depicts a total lot coverage area of 35%, which is a 5% deviation from standard. A companion Variance (VAR-35758) has been submitted to address this issue.

Per Title 19.12, a perimeter landscape buffer of 15 feet must be provided adjacent to all street right-of-way and buffers of eight feet shall be provided on interior property lines. The site plan depicts a seven-foot landscape buffer along the street right-of-way, which is an 11-foot deviation from standard and a zero-foot landscape buffer along the south, east and west property lines, which is an eight-foot deviation from standard. The applicant is also requesting, as part of the review, Exceptions to allow three trees within the landscape buffer along the north perimeter and zero parking lot landscape islands where four are required.

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The overall site is accessed from Charleston Boulevard. This street is indicated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways. The overall circulation of the site is adequate. Rather than provide a trash enclosure pursuant to Title 19.08, the applicant is proposing to continue with curb side pick-up of trash and has provided an approval letter from Republic Services to this effect. However, pursuant to Title 9.08.100 (D), for a commercial or industrial premises, it is unlawful to place, keep, store or locate any solid waste or recyclables container within the right-of-way of a street, sidewalk or alley. Containers shall be stored within an enclosure if an enclosure was required in connection with development approval or is otherwise provided on the premises. In addition, pursuant to NRS 484.373(2), A person shall not bring a vehicle to a complete stop upon a roadway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law. At the subject site, Charleston Boulevard consists of six driving lanes in either direction, with no parking lane that would allow a service vehicle to stop without impeding traffic.

Staff cannot support the Waiver and Exception requests or the requests for the companion Variances (VAR-35760) and (VAR-35758) as the 6% reduction in required parking, 30% deviation from the maximum number of compact parking spaces allowed, 5% excess of lot coverage, and deficient landscaping denotes that the site is being overbuilt. Furthermore, the elimination of the buffer areas, combined with the elimination of planting materials, is not consistent with Objective 2.2 of the General Plan, which is to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible. The buffer areas are intended to provide mitigation for adverse visual and aural impacts on the adjacent residential properties. Staff is recommending denial of these requests.

FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with the adjacent residential development to the south, in that the landscape buffer areas required to mitigate the adverse visual and aural impacts of the commercial site will not be provided.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

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The proposed development is not consistent with Objective 2.2 of the General Plan and does not comply with Title 19.08.050 Commercial Development Standards and Title 19.12.040 Landscaping standards.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site is accessed by two existing driveways to Charleston Boulevard, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no impact on adjacent neighborhood traffic as there is no direct access from the site into the adjacent residential neighborhood.

4. Building and landscape materials are appropriate for the area and for the City;

The building materials are appropriate for the area and for the city. Landscape materials, as conditioned, are appropriate for the area and the city.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed single-story structure is compatible with the development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 146

APPROVALS 2

PROTESTS 16